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EXAMINER

AKERS, GEOFFREY R

ART UNIT	PAPER NUMBER
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3624

DATE MAILED: 11/04/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/425 302

Applicant(s)

Tomoyuki

Examiner

Hos, g

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 9/24/03
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 19-22, 24, 26-60 is/are pending in the application.
- 4a) Of the above, claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 19-22, 24, 26-60 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claims \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.  
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All b) ☐ Some\* c) ☐ None of:  
1. ☐ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  
\*See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).  
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

## Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s). \_\_\_\_\_ 6) ☐ Other: \_\_\_\_\_

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## DETAILED ACTION

### *Response to Request for Continued Examination(RCE)*

1. This action is issued in reply to applicant's Request for Continued Examination(RCE)(Paper #29) filed 10/24/03 and Amendment F(Paper # 24) now entered.
2. Claims 20-21,30-31,36, 38, 46,51,56 were amended.No new claims were added; none were deleted.All other claims were unchanged.
3. Claims 19-22,24,26-60 including those amended, are pending.

### *Claim Rejections - 35 USC § 103*

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 27,29-31,36,42-43,46,48,51,53,56,58 are rejected under 35 USC 103(a) as unpatentable over Halpern(US Pat. No: 4,906,828) in view of Takeuchi(US Pat. No: 4,963,722) in view of Kolls(US Pat. No: 5,637,845)(1995) and further in view of Los Angeles Times, August 9, 1993, col 1B 5 pl Perlman, J. "Transportation: Promotors Hope Advertizing and Marketing Gimmicks will Steer Freeway Drivers to the Region's First Pay as You Go Highway"(hereinafter referred to as "LA").The rejections as cited in the Final Office Action(Paper #23) are maintained and incorporated by reference.Only newly amended claims 30-31,36,46,51,56 are herein presented.

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6. (AMENDED) As per claim 30 Halpern teaches an IC card according to claim 25, wherein said electronic data of a loan includes electronic money information representing the upper limit of a loan(col 13 lines 14-30)(Fig 11). Halpern does not specifically teach wherein said electronic data of the loan is used up to the upper limit of the loan when the transaction exceed the money balance.Takeuchi teaches this (col 3 lines 4-49). Halpern further teaches using an IC card having a balance information storage which stores electronic money information representing a balance(col 14 lines 6-17). Takeuchi teaches loan information storage which stores information representing a loan comprising an IC card reader/writer which reads information stored in said IC card and writes information to the IC card and a processor(col 3 lines 4-49)(col 3 line 65-col 4 line 2). Halpern teaches changing balances in debiting and crediting operations when a commercial transaction is made subtracts an amount of money to be paid for said commercial transaction from said balance information storage(col 14 lines 6-17).LA teaches wherein said IC card reader/writer writes information representing a loan of an amount of money to the user of the IC card into said loan information storage when said electronic money information representing a balance in less than said amount of money to be paid of the commercial transaction(page 2). Takeuchi teaches wherein said processor checks said information representing a loan stored in said IC card and inhibits the commercial transaction if the amount of money to be paid for it is greater than a predetermined amount of money(col 3 lines 4-49)(col 3 line 65-col 4 line 2).LA teaches that prepaid accounts are allowed to carry negative balances for

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motorists on the freeway. Furthermore, Kolls teaches that prepaid cards can be smart cards (col 5 lines 13-17) (col 2 lines 24-39) (col 2 lines 56-65). It would have been obvious to one skilled in the art at the time of the invention to combine Halpern in view of Takeuchi and further in view of Kolls and LA to teach the above. The motivation for this is to describe an electronic purse employed for electronic funds deductions used to make loans.

7.(AMENDED) As per claim 31 Halpern teaches an IC card according to claim 25, wherein said electronic data of a loan includes electronic money information representing the upper limit of a loan (col 13 lines 14-30) (Fig 11). Halpern does not specifically teach wherein said electronic data of the loan is used up to the upper limit of the loan when the transaction exceeds the money balance. Takeuchi teaches this (col 3 lines 4-49). Takeuchi teaches this (col 3 lines 4-49).

Halpern teaches using an IC card having a balance information storage which stores electronic money information representing a balance (col 14 lines 6-17). Takeuchi teaches loan information storage which stores information representing a loan comprising an IC card reader/writer which reads information stored in said IC card and writes information to the IC card and a processor (col 3 lines 4-49) (col 3 line 65-col 4 line 2). Halpern teaches changing balances in debiting and crediting operations when a commercial transaction is made subtracts an amount of money to be paid for said commercial transaction from said balance information storage (col 14 lines 6-17). LA teaches wherein said IC card reader/writer writes information representing a loan into said loan information storage of an amount of money to the user of the IC card when said electronic money information representing a balance is less than said amount of money to be paid of the

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commercial transaction(page 2). Takeuchi teaches wherein said processor checks said information representing a loan stored in said IC card and inhibits the commercial transaction if the amount of money to be paid for it is greater than a predetermined amount of money(col 3 lines 4-49)(col 3 line 65-col 4 line 2).LA teaches that prepaid accounts are allowed to carry negative balances for motorists on the freeway.Furthermore,Kolls teaches that prepaid cards can be smart cards(col 5 lines 13-17)(col 2 lines 24-39)(col 2 lines 56-65). It would have been obvious to one skilled in the art at the time of the invention to combine Halpern in view of Nagata in view of Takeuchi and further in view of Kolls and LA to teach the above. The motivation for this is to describe an electronic purse employed for electronic funds deductions used to make loans.

8. (AMENDED) As per claim 36,46,51,56 Halpern teaches an IC card used in an electronic purse loan system, comprising a balance memory which stores electronic data representing a money balance(col 14 lines 6-17).Halpern does not specifically teach wherein said electronic data of the loan is used up to the upper limit of the loan when the transaction exceed the money balance.Takeuchi teaches this (col 3 lines 4-49). Takeuchi also teaches a loan memory which stores electronic data of a loan and a processor which writes electronic data of a loan of an amount of money to the user of the IC card into said loan memory when said electronic data representing a money balance is less than the amount of money required for a transaction(col 3 lines 4-49)(col 3 line 65-col 4 line 2).Halpern teaches changing balances in debiting and crediting operations(col 14 lines 6-17). Halpern teaches using an IC card having a balance information

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storage which stores electronic money information representing a balance(col 14 lines 6-17). Takeuchi teaches loan information storage which stores information representing a loan comprising an IC card reader/writer which reads information stored in said IC card and writes information to the IC card and a processor(col 3 lines 4-49)(col 3 line 65-col 4 line 2). Halpern teaches changing balances in debiting and crediting operations when a commercial transaction is made subtracts an amount of money to be paid for said commercial transaction from said balance information storage(col 14 lines 6-17).LA teaches wherein said IC card reader/writer writes information representing a loan into said loan information storage when said electronic money information representing a balance in less than said amount of money to be paid of the commercial transaction(page 2). Takeuchi teaches wherein said processor checks said information representing a loan stored in said IC card and inhibits the commercial transaction if the amount of money to be paid for it is greater than a predetermined amount of money(col 3 lines 4-49)(col 3 line 65-col 4 line 2).LA teaches that prepaid accounts are allowed to carry negative balances for motorists on the freeway.LA teaches a term/loan limits by notification to the commuters regarding negative balances(page 2). Furthermore,Kolls teaches that prepaid cards can be smart cards(col 5 lines 13-17)(col 2 lines 24-39)(col 2 lines 56-65). It would have been obvious to one skilled in the art at the time of the invention to combine Halpern in view of Nagata in view of Takeuchi and further in view of Kolls and LA to teach the above. The motivation for this is to describe an electronic purse employed for electronic funds deductions used to make loans.

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9. Claims 19-21,24,28,32-35,39,41,44-45,49-50,54-55,59-60 are rejected under 35 USC 103(a) as unpatentable over Halpern(US Pat. No: 4,906,828) in view of Nagata(US Pat. No: 5,140,517) in view of Takeuchi(US Pat. No: 4,963,722) in view of Kolls(US Pat. No: 5,637,845)(1995) and further in view of Los Angeles Times, August 9, 1993, col 1B 5 pl Perlman, J. "Transportation: Promotors Hope Advertizing and Marketing Gimmicks will Steer Freeway Drivers to the Region's First Pay as You Go Highway"(hereinafter referred to as "LA").The rejections as cited in the Final Office Action(Paper #23) are maintained and incorporated by reference. Only newly amended claims 20,21 are presented.

10.(AMENDED) As per claim 20 Halpern teaches an electronic purse device. Halpern teaches using an IC card having a balance information storage which stores electronic money information representing a balance(col 14 lines 6-17). Nagata teaches an ID number memory which stores the ID number registered for a person(col 6 lines 13-25). Takeuchi teaches loan information storage which stores information representing a loan comprising an IC card reader/writer which reads information stored in said IC card and writes information to the IC card and a processor(col 3 lines 4-49)(col 3 line 65-col 4 line 2). Halpern teaches changing balances in debiting and crediting operations when a commercial transaction is made subtracts an amount of money to be paid for said commercial transaction from said balance information storage(col 14 lines 6-17).LA teaches wherein said IC card reader/writer writes information representing a loan of an amount of money to the user of the IC card into said loan information storage of said IC card when said

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electronic money information representing a balance in less than said amount of money to be paid of the commercial transaction(page 2). Takeuchi teaches wherein said processor checks said information representing a loan stored in said IC card and inhibits the commercial transaction if the amount of money to be paid for it is greater than a predetermined amount of money(col 3 lines 4-49)(col 3 line 65-col 4 line 2).LA teaches that prepaid accounts are allowed to carry negative balances for motorists on the freeway.Furthermore,Kolls teaches that prepaid cards can be smart cards(col 5 lines 13-17)(col 2 lines 24-39)(col 2 lines 56-65). It would have been obvious to one skilled in the art at the time of the invention to combine Halpern in view of Nagata in view of Takeuchi and further in view of Kolls and LA to teach the above. The motivation for this is to describe an electronic purse employed for electronic funds deductions used to make loans.

11.(AMENDED) As per claim 21 Halpern teaches an electronic purse device.Takeuchi teaches wherein said processor checks said information representing a loan stored in said IC card and inhibits a loan if the amount of money to be paid is greater than a predetermined amount of money(col 3 lines 4-49)(col 3 line 65-col 4 line 2). Halpern teaches using an IC card having a balance information storage which stores electronic money information representing a balance(col 14 lines 6-17). Nagata teaches an ID number memory which stores the ID number registered for a person(col 6 lines 13-25). Takeuchi teaches loan information storage which stores information representing a loan comprising an IC card reader/writer which reads information stored in said IC card and writes information representing a loan of an amount of money to the

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user of the IC card and a processor(col 3 lines 4-49)(col 3 line 65-col 4 line 2). Halpern teaches changing balances in debiting and crediting operations when a commercial transaction is made subtracts an amount of money to be paid for said commercial transaction from said balance information storage(col 14 lines 6-17).LA teaches wherein said IC card reader/writer writes information representing a loan of an amount of money to the user of the IC card into said loan information storage when said electronic money information representing a balance in less than said amount of money to be paid of the commercial transaction(page 2). Takeuchi teaches wherein said processor checks said information representing a loan stored in said loan information storage of said IC card and inhibits the commercial transaction if the amount of money to be paid for it is greater than a predetermined amount of money(col 3 lines 4-49)(col 3 line 65-col 4 line 2).LA teaches that prepaid accounts are allowed to carry negative balances for motorists on the freeway.Furthermore,Kolls teaches that prepaid cards can be smart cards(col 5 lines 13-17)(col 2 lines 24-39)(col 2 lines 56-65). It would have been obvious to one skilled in the art at the time of the invention to combine Halpern in view of Nagata in view of Takeuchi and further in view of Kolls and LA to teach the above. The motivation for this is to describe an electronic purse employed for electronic funds deductions used to make loans.

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12. Claims 26 and 38 are rejected under 35 USC 103(a) as unpatentable over Halpern(US Pat. No: 4,906,828) and further in view of Gaumet(US Pat. No: 5,640,306) in view of Kolls(US Pat. No: 5,637,845) as well as Los Angeles Times, August 9, 1993, col 1B 5 pl Perlman, J.

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“Transportation: Promotors Hope Advertizing and Marketing Gimmicks will Steer Freeway Drivers to the Region’s First Pay as You Go Highway”(hereinafter referred to as “LA”).The rejections cited in the Final Office Action(Paper #23) are maintained and incorporated by reference. Only the newly amended claim 38 is addressed.

13.(AMENDED) As per claim 38 Halpern teaches an IC card according to claim 36, further comprising: a data input/output circuit which inputs/outputs electronic data representing money from/to an external terminal in an electric purse loan system(Fig 2). Halpern fails to teach I/O communication with the IC card without contact. Gaumet teaches reading/writing information in an IC card without contact(Abstract)(col 1 line 1-col 2 line 6). Halpern also teaches using an IC card having a balance information storage which stores electronic money information representing a balance(col 14 lines 6-17). Halpern teaches changing balances in debiting and crediting operations when a commercial transaction is made subtracts an amount of money to be paid for said commercial transaction from said balance information storage(col 14 lines 6-17).LA teaches wherein said IC card reader/writer writes information representing a loan into said loan information storage when said electronic money informnation representing a balance in less than said amount of money to be paid of the commercial transaction(page 2).LA teaches that prepaid accounts are allowed to carry negative balances for motorists on the freeway.Furthermore,Kolls teaches that prepaid cards can be smart cards(col 5 lines 13-17)(col 2 lines 24-39)(col 2 lines 56-65). It would have been obvious to one skilled in the art at the time of the invention to combine Halpern in view of Gaumet and further in view of Kolls and LA to teach the above. The

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motivation for this is to describe an electronic purse employed for electronic funds deductions used to make loans.

***Response to Arguments***

14. Halpern teaches using an IC card having a balance information storage which stores electronic money information representing a balance(col 14 lines 6-17). Takeuchi teaches loan information storage which stores information representing a loan comprising an IC card reader/writer which reads information stored in said IC card and writes information to the IC card and a processor(col 3 lines 4-49)(col 3 line 65-col 4 line 2). Halpern also teaches changing balances in debiting and crediting operations when a commercial transaction is made subtracts an amount of money to be paid for said commercial transaction from said balance information storage(col 14 lines 6-17).LA teaches wherein said IC card reader/writer writes information representing a loan of an amount of money to the user of the IC card into said loan information storage when said electronic money information The LA times newspaper predates applicant's invention and incorporates its features directly in the carrying of a negative(loan) balance on a prepaid card(page 2).Takeuchi teaches wherein said processor checks said information representing a loan stored in said IC card and inhibits the commercial transaction if the amount of money to be paid for it is greater than a predetermined amount of money(col 3 lines 4-49)(col 3 line 65-col 4 line 2).LA teaches that prepaid accounts are allowed to carry negative balances for motorists on the freeway.Furthermore,Kolls teaches that prepaid cards can be smart cards(col 5 lines 13-17)(col 2 lines 24-39)(col 2 lines 56-65). The application of the smart card to toll roads

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in the transportation sector, is also directly applicable to any intended use including buses or trains also in the transportation sector. A negative balance is effectively a loan as a service has been rendered for which money has not been received, which is tantamount to the provider's conferring a loan on the beneficiary of the money-value of the transaction. The negative value is a special case of a loan due and payable immediately at the next transaction.

***Conclusion***

15. **THIS ACTION IS MADE NON-FINAL.** See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

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Comments regarding this communication should be addressed to the primary examiner, Dr. Geoffrey Akers, P.E. who can be reached at (703)-306-5844 between the hours of 6:30 AM and 5:00 PM Monday through Friday. If attempts to contact the primary examiner are unsuccessful, the primary examiner's superior, Mr. Vincent Millin, SPE, may be telephoned at (703)-308-1065.

GRA

November 3, 2003

**DR. GEOFFREY R. AKERS, P.E.  
PRIMARY EXAMINER**